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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,726	01/26/2004	Leigh Michael Chinitz	034421-000176	2544

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EXAMINER
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SHEDRICK, CHARLES TERRELL

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 05/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/765,726	CHINITZ ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Charles Shedrick	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                                    |

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1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

***Response to Arguments***

2. Applicant's arguments with respect to claim 1 –7 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Benveniste et al., Benveniste, hereinafter, U.S. Patent Pub No. # 2004/0095911.**

Consider **claim 1**, Benveniste discloses an access point (i.e., **access point 152 figure 1**) configured to send data to one or more wireless devices in a zone associated with the access point in a wireless network (i.e., **see figure 1 cells 100 and 150**)(**paragraph 0059**), the data being time constant digital data (i.e., **paragraph 0069 high priority data such as streaming video or audio data**), the access point comprising: a first circuit for determining an interframe space (i.e., the first member station retains control of the medium by using interframe spaces)(**paragraph 0044, paragraph 0089, claim 1**), alerting the wireless devices that the time constant digital data is to be sent (i.e., the access point transmit a shield packet and then a beacon packet)(**paragraph 0056, 0059-0061, 0063, 0066**), said alerting inhibiting transmission of data

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from the wireless device in said zone(i.e., causes member stations to delay transmission until polled)(**paragraph 0056, 0059-0061, 0063, 0066**);

a second circuit for defining a frame in which the time constant digital data is to be sent (i.e., high QoS or Low QoS)(**paragraphs 0067-0069**) ; and a third circuit for sending the digital data to the one or more wireless devices (**paragraphs 0067-0069**).

Consider **claim 2**, Benveniste discloses an access point (i.e., **access point 152 figure 1**) configured to send data to one or more wireless devices in a zone associated with the access point in a wireless network (i.e., see **figure 1 cells 100 and 150**)(**paragraph 0059**), the data being time constant digital data (i.e., **paragraph 0069 high priority data such as streaming video or audio data**), the access point comprising: a first circuit for determining an interframe space (i.e., the first member station retains control of the medium by using interframe spaces)(**paragraph 0044, paragraph 0089, claim 1**), alerting the wireless devices that the time constant digital data is to be sent (i.e., the access point transmit a shield packet and then a beacon packet)(**paragraph 0056, 0059-0061, 0063, 0066**), said alerting inhibiting transmission of data from the wireless device in said zone(i.e., causes member stations to delay transmission until polled)(**paragraph 0056, 0059-0061, 0063, 0066**);

a second circuit for defining a frame in which the time constant digital data is to be sent (i.e., high QoS or Low QoS) (**paragraphs 0067-0069**) ; and a third circuit for sending the digital data as a single data block to the plurality of wireless devices within the frame(**paragraphs 0067-0069**).

Consider **claim 3**, Benveniste discloses a first device for receiving data at one of a

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plurality of wireless devices in a wireless network (i.e., see **figure 1 devices in cells 100 and 150**)(**paragraph 0059**), the data being time constant digital data (i.e., **paragraph 0069 high priority data such as streaming video or audio data**), the device comprising: a first circuit for receiving an alert that the time constant digital data is to be sent (i.e., receiving a shield packet and then a beacon packet)(**paragraph 0056, 0059-0061, 0063, 0066**); said alert being transmitted before expiry of an interframe space and inhibiting transmission of data from first device (i.e., causes member stations to delay transmission until polled)(**paragraph 0056, 0059-0061, 0063, 0066**); a second circuit for receiving parameters regarding a frame in which the time constant digital data is to be sent (i.e., high QoS or Low QoS) (**paragraphs 0067-0069**); a third circuit for receiving the digital data as a single data block to the plurality of wireless devices within the frame (**paragraphs 0067-0069**); and a fourth circuit for extracting the digital data bound for the one of a plurality of wireless devices from the single block of data (**paragraphs 0067-0069**).

Consider **claim 4**, Benveniste discloses a device in an access point for receiving data from one or more wireless devices in a zones associated with a n access point in a wireless network (i.e., see **access point in figure 1 and cells 100 and 150**)(**paragraph 0059**), the data being time constant digital data (i.e., **paragraph 0069 high priority data such as streaming video or audio data**), the device comprising: a first circuit for determining an interframe space (i.e., the first member station retains control of the medium by using interframe spaces)(**paragraph 0044, paragraph 0089, claim 1**), alerting the wireless devices that the time constant digital data is to be sent (i.e., the access point transmit a shield packet and then a beacon packet)(**paragraph 0056, 0059-0061, 0063, 0066**), said alerting inhibiting transmission of data

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from the wireless device in said zone(i.e., causes member stations to delay transmission until polled)(**paragraph 0056, 0059-0061, 0063, 0066**);

a second circuit for defining a frame in which the time constant digital data is to be sent (i.e., high QoS or Low QoS)(**paragraphs 0067-0069**); a third circuit for polling a particular wireless device to initiate the sending of the digital data(i.e., see figure 1B polling packet D1)(**Paragraph 0065**); and a fourth circuit for receiving the data sent from each particular polled wireless device (i.e., see figure 1c responsive packet U1)(**Paragraph 0065**).

Consider **Claims 5 and 6**, Benveniste discloses a method for sending and receiving, at an access point digital data from a wireless device in a zone associated with an access point in a wireless network (i.e., see access point in figure 1 and cells 100 and 150)(**paragraph 0059**), the method comprising: determining an interframe space (i.e., the first member station retains control of the medium by using interframe spaces)(**paragraph 0044, paragraph 0089, claim 1**); before expiry of said interframe space, alerting the wireless device to send the time constant data(i.e., the access point transmit a shield packet and then a beacon packet)(**paragraph 0056, 0059-0061, 0063, 0066**); said alerting inhibiting transmission of data from wireless devices in said zone(i.e., causes member stations to delay transmission until polled)(**paragraph 0056, 0059-0061, 0063, 0066**);polling the wireless device to send the time constant data(i.e., see figure 1B polling packet D1)(**Paragraph 0065**); and receiving a sent packet of time constant data from the particular polled wireless device(**paragraphs 0065-0069**).

Consider **claim 7**, Benveniste discloses a method for sending digital data to a plurality of wireless devices in a zone associated with an access point in a wireless network (i.e., see figure 1 cells 100 and 150)(**paragraph 0059**), the method comprising: alerting, before expiry of an

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interframe space, the plurality of wireless devices to receive the time constant data (i.e., **paragraph 0069 high priority data such as streaming video or audio data**); said alerting inhibiting transmission of data from the plurality of wireless devices in said zone(i.e., causes member stations to delay transmission until polled)(**paragraph 0056, 0059-0061, 0063, 0066**) and sending one block of data, the one block of data comprising all of the data destined for the plurality of wireless devices(**paragraphs 0067-0069**).

### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Shedrick whose telephone number is (571)-272-8621. The examiner can normally be reached on Monday thru Friday 8:00AM-4:30PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kincaid Lester can be reached on (571)-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Charles Shedrick  
AU 2617  
April 30 2006



**NICK CORSARO**  
**PRIMARY EXAMINER**